

SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Tel: (702) 228-7590 · Fax: (702) 892-0122

Annette W. Jarvis, Utah Bar No. 1649
 RAY QUINNEY & NEBEKER P.C.
 36 South State Street, Suite 1400
 P.O. Box 45385
 Salt Lake City, Utah 84145-0385
 Telephone: (801) 532-1500
 Facsimile: (801) 532-7543
 Email: ajarvis@rqn.com

E-FILED ON DECEMBER 12, 2006

and

Lenard E. Schwartzer
 Nevada Bar No. 0399
 Jeanette E. McPherson
 Nevada Bar No. 5423
 Schwartzer & McPherson Law Firm
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Telephone: (702) 228-7590
 Facsimile: (702) 892-0122
 E-Mail: bkfilings@s-mlaw.com
 Attorneys for Debtors

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case Nos. BK-S-06-10725 LBR
 Case Nos. BK-S-06-10726 LBR
 Case Nos. BK-S-06-10727 LBR
 Case Nos. BK-S-06-10728 LBR
 Case Nos. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

**EX PARTE MOTION FOR ORDER
 SHORTENING TIME REQUIRING
 VICTORIA LOOB TO APPEAR FOR
 EXAMINATION PURSUANT TO
 FED.R.BANK. P. 2004**

Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

SCHWARTZER & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Tel: (702) 228-7590 · Fax: (702) 892-0122

1 USA Commercial Mortgage Company, USA Capital Realty Advisors, LLC, USA
2 Securities, LLC, USA Capital First Trust Deed Fund, LLC and USA Capital Diversified Trust
3 Deed Fund, Debtors-in-Possession (collectively referred to as the “Debtors”), have filed an Ex
4 Parte Application For Order Approving Examination of Victoria Loob Pursuant To
5 Fed.R.Bankr.P. 2004 and in support thereof states as follows:

6 1. Ex Parte Application For Order Approving Examination of Victoria Loob Pursuant
7 To Fed.R.Bankr.P. 2004 (the “Application”) has been filed. This Application respectfully requests
8 that the Court direct Victoria Loob (“Loob”) to be examined under oath in relation to the
9 following:

10 Acts, conduct or property of the Debtors, or to any matter which may affect the
11 administration of the Debtors’ estate; and acts, conduct, or property of the Debtors
12 that relate to the liabilities and financial condition of the Debtors, the source of any
13 money or property acquired or any other matter relevant to the case.

14 2. Notice can be shortened pursuant to Bankruptcy Rule 9006(c)(1) and LR 9006(a).

15 3. The Application is requested to be heard on shortened time because statements
16 made in the Declaration of Victoria Loob in support of the Objection of Investment Partners LLC,
17 Joseph Milanowski and Thomas Hantges To Confirmation of The Debtors’ Third Amended Joint
18 Chapter 11 Plan of Reorganization (Docket No. 2035) need to be rebutted prior to the Debtors’
19 Confirmation Hearing scheduled for December 19, 2006 at 10:00 a.m.

20 Dated: December 12, 2006

21 /s/ Jeanette E. McPherson

22 Lenard E. Schwartzer, Esq.
23 Jeanette E. McPherson, Esq.
24 Schwartzer & McPherson Law Firm
25 2850 South Jones Boulevard, Suite 1
26 Las Vegas, Nevada 89146-5308
27 and
28 Annette W. Jarvis, Esq.
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145-0385
Attorneys for Debtors